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3727

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert R. Gray

)

) ART UNIT: 3727

Serial No: 10/068,575

)

) Examiner: Stephen J. Costellano

Filed : February 2, 2002

)

)

For: TRASH RECEPTACLE WITH SUCTION MEANS FOR DRAWING)
A FLEXIBLE BAG LINER AGAINST ITS INTERIOR WALLS)Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22303-1450

January 6, 2006

Sir:

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
(NO ABANDONMENT IN FACT)

Applicant's agent requests that the abandonment set forth in the notice mailed by the Office on 1/4/06 be withdrawn. There has been no abandonment in fact.

Applicant's agent received a Notice Of Fee Deficiency mailed 2/8/05 indicating that the balance of \$100 for presentation of 1 extra independent claim was due, and was given one-month or 30 days to remit the fee due.

On 2/21/05, Applicant's agent timely remitted check number 9552 in the amount of \$100 for the balance due, with a Certificate of Mailing dated 2/21/05 to the Legal Instruments Examiner, Art Unit 3727 in accordance with the Notice Of Fee Deficiency Requirements. The return postcard was date stamped 2/28 by the PTO mailroom.

Attached hereto is a copy of the 2/8/05 Notice Of Fee Deficiency, a copy of the 2/21/05 Letter of Transmittal of the Fee, a copy of the return postcard stamped by the PTO showing receipt of the Transmittal Letter and check by the PTO, and a copy of both sides of the check showing that the check was processed by the PTO.

There has been no abandonment in fact. An error occurred in the Patent Office by an apparent oversight in properly recording payment of the fee. Accordingly, it is respectfully requested that the NOTICE OF ABANDONMENT mailed by the Office on 1/4/06 be withdrawn.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 1-6-06.
Kenneth A. Roddy Kenneth A. Roddy

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Acknowledgement of the active status of this application is respectfully requested.

Respectfully submitted,



Kenneth A. Roddy
Agent for Applicant
Registration No. 31,294

2916 West T. C. Jester Blvd.
Suite 100
Houston, Texas 77018
(713) 686-7676



REST AVAILABLE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,575	02/06/2002	Robert R. Gray		8273
7590	02/08/2005		EXAMINER	
Kenneth A. Roddy Suite 105 2916 West T.C. Jester Boulevard Houston, TX 77018			CASTELLANO, STEPHEN J	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE



UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

NOTICE OF FEE DEFICIENCY

The informality regarding the payment of the fee is indicated below in connection with

- the original filing of the application and/or preliminary amendment (e.g. additional claim fees)
- the reply filed on 1-24-05 because of the following matter(s). See 37 CFR 1.111 and 37 CFR 1.135.

FEE(S) DUE

1. The reply (e.g., amendment) is considered incomplete in that the funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance* is due within the time period set below.
2. The reply (e.g., amendment) is considered incomplete in that the Credit Card payment to cover the entire fee due to Account (Card type + last 4 digits ONLY) was refused.

The balance* is due within the time period set below.

3. The reply (e.g., amendment) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record. Remittance or authorization is due within the time period set below.
4. The filing fee of \$ 100.00 submitted in this application is insufficient. A balance of \$ 100.00 is due for presentation of excess claims (37 CFR 1.16(b) & (c)).
5. Other. (I - 0001 under my account number)

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

APPLICANT IS GIVEN A TIME PERIOD OF ONE (1) MONTH OR THIRTY (30) DAYS FROM THE MAILING DATE OF THIS NOTICE, WHICHEVER IS LONGER, WITHIN WHICH TO REMIT THE FEE DUE IN ORDER TO AVOID ABANDONMENT. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

THE INDICATED AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE YEARLY ON OCTOBER 1 (37 CFR 1.16 & 1.21). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS NOT NECESSARILY THE FEE INDICATED ABOVE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS POSTED ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Heidi Greer
Legal Instruments Examiner (LIE) or Clerk of Group

Inquires regarding this Notice should be addressed to the above at 511-272-4359 (insert Phone Number).



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February 21, 2005

MAIL STOP Amendment
Attn: Legal Instruments Examiner
ART UNTI 3727
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF FEE FOR ADDED CLAIM

Transmitted herewith in the U.S. Patent Application of **ROBERT R. GRAY**, Serial No. 10/068,575 is a check in the amount of \$100 to cover 1 additional independent claim that was added in the Amendment filed January 24, 2005.

A copy of the Notice Of Fee Deficiency is attached.

Respectfully submitted,

Kenneth A. Roddy

Kenneth A. Roddy
Agent of Record
Registration No. 31,294
Telephone (713) 686-7676

Encls

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

2-21-05

Kenneth A. Roddy

Kenneth A. Roddy
Agent of Record
Registration No. 31,294

2916 West T.C. Jester Blvd.
Suite 100
Houston, TX 77018
(713) 686-7676

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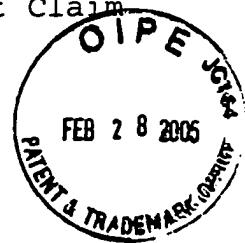
February 21, 2005

RE: Gray - SN 10/068,575 - Missing Parts

Dear Sir;

Kindly acknowledge receipt of the enclosed items in the above titled matter by placing your mailroom receipt stamp to this postcard and returning same to me.

- (1) Transmittal Letter with Certificate of Mailing
- (2) Check for \$100 for Added Independent Claim
- (3) Copy of Notice of Fee Deficiency



KENNETH A. RODDY PATENT AGENT PH. 713-686-7676 2916 W T C JESTER, STE. 100 HOUSTON, TX 77018-7051		32-1432/1110 0000054188	9552
PAY TO THE ORDER OF <u>Commissioner For Patents</u>		DATE <u>2-21-05</u>	
<u>One hundred and no</u> / <u>100</u>		\$ <u>100 00</u>	DOLLARS <u>0</u>
 BANK OF TEXAS SELLAIRE, TEXAS www.bankoftx.com ADDED IND. MEMO SN: 10/068,575 CLAIM FEE		<u>Kenneth A Roddy</u>	
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